

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

360 DEGREE EDUCATION, LLC *et al.*,

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
EDUCATION, *et al.*,

Defendants.

No. 4:24-cv-00508-P

DEFENDANTS' MOTION TO CONTINUE DECEMBER 19, 2024 HEARING

Defendants move for a short continuance of the December 19, 2024 hearing set by the Court's Order of December 9, 2024 [ECF 60]. Good cause exists for the requested continuance, as set forth below.

In its Order of December 9, 2024, the Court recognized that the parties dispute whether the Department initiated appropriate administrative procedures within the 90-day period identified in its prior Order of September 6, 2024, and set a hearing for December 19, 2024 to address the issue. Order of Dec. 9, 2024, at 1. However, undersigned counsel has a court-ordered deadline in another case to file a summary judgment motion "no later than December 23, 2024." *See* Order of Oct. 23, 2024, *Doe v. U.S. Dep't of Justice*, No. 5:22-cv-855 (C.D. Cal.). Due to the complexity of the issues in that case, and the need to coordinate and consult internally with numerous Department of Justice components, undersigned counsel must spend the entire period from now until the deadline preparing defendants' summary judgment filing in that case and will not be able to meet that deadline if it is necessary to attend a hearing in this case two business days prior.

Defendants therefore seek, and hereby respectfully request, a brief continuance of the

December 19, 2024 hearing to a date on or after December 26, 2024. Undersigned counsel has conferred with counsel for Plaintiffs, who indicates that Plaintiffs oppose this motion but, should the Court continue the hearing, would be available on January 3, 6, or 10, 2025. Plaintiffs will not be prejudiced by the brief continuance that Defendants request because the Court's preliminary injunction, enjoining the Department from enforcing the regulatory provision at issue in this case, remains in effect, and the case is otherwise administratively closed. *See* Order of Sept. 6, 2024, at 5 (holding that the case may be "reopened, without prejudice, upon the motion of either Party after the resolution of the administrative procedures").

DATED: December 10, 2024

Respectfully submitted,

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CERTIFICATE OF CONFERENCE

On December 9, 2024, counsel for Plaintiffs Farnaz Farkish Thompson emailed undersigned counsel for Defendants to seek consent to continue the December 19, 2024 hearing to December 20 or December 23, 2024. Undersigned counsel responded that Defendants would consent to a continuance but requested agreement to continue the hearing to a date after December 24, 2024 in light of undersigned counsel's December 23, 2024 summary judgment deadline in another case. Counsel for Plaintiffs then indicated that they did not need a continuance after all and would not agree to Defendants' proposed continuance unless Defendants agreed not to proceed with further steps in their administrative enforcement action against Cortiva until after the Court holds the hearing and rules on the parties' dispute. Counsel for Plaintiffs further indicated that, if the Court chooses to continue the hearing, Plaintiffs are available January 3, 6, or 10, 2025. Undersigned counsel indicated that Defendants were not willing to halt the administrative enforcement process and that doing so would be inconsistent with this Court's prior Order.

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